

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOSE PEREZ,	:	Civil No. 1:12-CV-2424
	:	
Plaintiff,	:	
	:	
v.	:	(Judge Kane)
	:	
UNITED STATES OF AMERICA,	:	(Magistrate Judge Carlson)
	:	
Defendant.	:	

REPORT AND RECOMMENDATION

THE BACKGROUND OF THIS CASE IS AS FOLLOWS:

In the above-captioned case a federal inmate has sued the United States of America, alleging injuries stemming from the consumption of food contaminated with salmonella that was served at the United States Penitentiary, Canaan. We are overseeing coordinated pre-trial management of this case. The current status of this case is that there are no pre-trial motions pending, and discovery is now closed. We have conditionally granted the plaintiff's request for appointment of counsel to assist in the trial of this matter, and directed a status report on the effort to secure counsel by **February 27, 2015**. At this stage of the proceedings, subject to the appointment of trial counsel, the only remaining matters appear to relate to scheduling this case for trial, and the parties have reported that all parties do not consent to magistrate judge jurisdiction. (Doc. 42.)

Recommendation

The discovery period in this case has closed. The time for filing dispositive motions has passed, and all dispositive motions have been fully resolved. No other motions are pending. The case is ripe for scheduling for trial, and the parties have not consented to magistrate judge jurisdiction. Accordingly, once the **February 27, 2015**, deadline for a status report on the effort to secure counsel has passed, IT IS RECOMMENDED that the case be listed for trial at the convenience of the district court and the parties.

The parties are further placed on notice that pursuant to Local Rule 72.3:

Any party may object to a magistrate judge's proposed findings, recommendations or report addressing a motion or matter described in 28 U.S.C. § 636 (b)(1)(B) or making a recommendation for the disposition of a prisoner case or a habeas corpus petition within fourteen (14) days after being served with a copy thereof. Such party shall file with the clerk of court, and serve on the magistrate judge and all parties, written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for such objections. The briefing requirements set forth in Local Rule 72.2 shall apply. A judge shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge, however, need conduct a new hearing only in his or her discretion or where required by law, and may consider the record developed before the magistrate judge, making his or her own determination on the basis of

that record. The judge may also receive further evidence, recall witnesses or recommit the matter to the magistrate judge with instructions.

Submitted this 6th day of February, 2015.

S/Martin C. Carlson

Martin C. Carlson

United States Magistrate Judge